

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

LANA CANEN,	)	
	)	
Plaintiff,	)	
	)	
vs	)	Case No.
	)	3:14-cv-315-RL-CAN
DENNIS CHAPMAN and MARK DAGGY,	)	
	)	
Defendants.	)	
	)	

The Deposition of DENNIS E. CHAPMAN

Date: Tuesday, November 18, 2014

Time: 10:20 a.m.

Place: Yoder, Ainlay, Ulmer & Buckingham  
130 North Main Street  
Goshen, Indiana

Called as a witness by the Plaintiff  
in accordance with the Federal Rules of Civil  
Procedure for the United States District  
Court, Northern District of Indiana, South Bend  
Division, pursuant to Notice.

Before Charolette A. Martinez, CSR 11983  
Notary Public, St. Joseph County, Indiana

MIDWEST REPORTING, INC.  
1448 Lincolnway East  
South Bend, Indiana 46613



1 the trial.

2 BY MR. SUTHERLIN:

3 Q. I didn't hear the first part.

4 A. **I was scheduled for it. I was at court, ready to**  
5 **testify for it, but they stipulated to the prints.**

6 Q. So you never testified?

7 A. **No. I never testified.**

8 Q. When asked on page 89 of the PCR hearing, "Okay.  
9 So was there any portion of that training that  
10 dealt with comparing latent fingerprints" -- and  
11 that's referring to your training at the FBI and at  
12 Cook Nuclear Plant -- and you answered, "No."  
13 Isn't that correct?

14 A. **At that time, yes, I did answer, "No" for that**  
15 **question.**

16 Q. Because you had no training at that time before the  
17 Lana Canen trial?

18 A. **I had training on fingerprints, how to compare them.**

19 Q. The question was: Had you had -- had you had any  
20 training that dealt with comparing latent  
21 fingerprints? Do you want to see your answer?

22 A. **I know what it says. I told you, comparing**  
23 **fingerprints is fingerprints.**

24 Q. But you got this one wrong, didn't you?

25 A. **Correct. I'm human.**

1     **A. Their evidence crime scene guy, Joel Bourdon.**

2     Q. Do you recall any conversation you had with him?

3     **A. Not right offhand.**

4     Q. Did anybody specifically tell you -- any  
5       representative from the City of Elkhart Police  
6       Department that you were under pressure to get  
7       these analyses back right away?

8     **A. No.**

9     Q. What did you receive from the City Police  
10    Department, if you can recall, to review and to  
11    base your opinion upon that the latent fingerprint  
12    was a match with Lana Canen's ten-point  
13    fingerprints?

14    **A. I don't understand -- I don't understand your**  
15    **question.**

16    Q. What were you -- what documents or evidence were  
17    you given to review in the Lana Canen case?

18    **A. To review?**

19    Q. Yes.

20    **A. I received fingerprint cards --**

21    Q. Okay.

22    **A. -- and latent prints from the crime scene.**

23    Q. Okay.

24    **A. And I believe a medicine bottle, too --**

25    Q. Okay.

1     **A.   -- with prints on it.**

2     Q.   And that was it?  Is that a complete list?

3     **A.   As far as I know.  I don't recall.**

4     Q.   Okay.  I'm going to hand you what is marked as  
5           Plaintiff's Exhibit 13, and ask if you can identify  
6           that.

7     **A.   From Elkhart City, it looks like.**

8     Q.   Can you identify that?

9     **A.   They're from the Elkhart Police Department.**

10    Q.   What are you looking at?

11    **A.   This one is a photo of Lana Canen.**

12    Q.   Okay.  And what else besides the photo?

13    **A.   Looks like her arrest report.**

14    Q.   And what else?  Does it include fingerprints?

15    **A.   Yes.**

16    Q.   Okay.  Are these the fingerprints that you were  
17           shown and asked to match up with the latent  
18           fingerprints?

19    **A.   I believe they sent a set over, but I didn't use that**  
20           **set.**

21    Q.   I didn't catch the last part.

22    **A.   I didn't use their set of prints.**

23    Q.   Which set did you use?

24    **A.   The ones on file with the County.**

25    Q.   Okay.  Why didn't you use theirs?

1     **A. Because they weren't very good prints.**

2                   MR. SUTHERLIN: Okay. Go off the  
3                   record a minute. I'm looking for  
4                   something.

5                   (Off the record.)

6                   MR. SUTHERLIN: Okay. We're back on  
7                   the record.

8                   Would you mark that?

9                   (Plaintiff's Exhibit No. 33 marked.)

10    BY MR. SUTHERLIN:

11    Q. I thought this was introduced previously. I can't  
12       find it, so -- do you recognize Plaintiff's  
13       Exhibit 33?

14    **A. It would be a copy of a lift card from a med tub.**  
15       **And a set of fingerprints, but I don't know who**  
16       **they're from.**

17    Q. Do any of those notations on Exhibit -- is it  
18       33? -- are those in your handwriting --

19    **A. No.**

20    Q. -- on any of the pages?

21    **A. No. None of them.**

22    Q. So those notations there with regard to -- second  
23       page. Go back there a minute.

24    **A. This one?**

25    Q. Yes. Those are not your notations?

1     **A.   No.**

2     Q.   Okay.  What did you do with the material that you  
3           were given to review and offer an opinion?  Did you  
4           return it to the police department?

5     **A.   Yes.**

6     Q.   You didn't keep a separate file?

7     **A.   Evidence would go back to Elkhart City.**

8     Q.   Right.  But you said that you had your own County  
9           ten-point fingerprints.  What did you do with  
10          those?

11    **A.   Put those back in records.**

12    Q.   So those went back to records?

13    **A.   Right.**

14    Q.   So you returned the latent fingerprint card to the  
15          Elkhart City Police?

16    **A.   Correct.**

17    Q.   And did they give you anything else besides just  
18          the latent fingerprint card?

19    **A.   Well, I had several latents in the -- several**  
20          **fingerprint cards.**

21    Q.   Okay.  So you had several?

22    **A.   Right.**

23    Q.   And then --

24    **A.   I think six -- I believe 16 print cards and maybe**  
25          **13 lifts.**

1 Q. You have to speak up because she's -- sounded like  
2 you were mumbling there.

3 A. Well, I'm kind of thinking out loud. I believe there  
4 was 16 print cards and 13 lifts, but I could have  
5 them reversed. I'm not sure.

6 Q. Okay. And then you wrote a report on that?

7 A. One report.

8 Q. One report. And that was given to whom?

9 A. Joel Bourdon.

10 Q. And Joel was the second chair of the prosecution?

11 A. I don't know what he was.

12 Q. You don't know what his role was?

13 A. He was -- he's one of their crime scene  
14 investigators.

15 Q. Oh, okay. I'm thinking of somebody else.  
16 Nevermind.

17 So you gave it to one of the crime scene  
18 investigators for the Elkhart City Police  
19 Department?

20 A. Right.

21 Q. And did you have a conversation with him that  
22 supplemented your written report?

23 A. Not that I recall.


24 MR. SUTHERLIN: Okay. I don't have  
25 anything else.

CERTIFICATE

I, Charolette A. Martinez, a Notary Public, in and for the County of St. Joseph and State of Indiana, do hereby certify there appeared before me, DENNIS E. CHAPMAN, on Tuesday, November 18, 2014, who was duly sworn to testify the truth, the whole truth, and nothing but the truth to questions propounded at the taking of the foregoing deposition in a cause now pending and undetermined in said court;

I further certify that I then and there reported stenographically the proceedings at the said time and place; that the proceedings were then transcribed from my original shorthand notes; and that the foregoing transcript is a true and correct record thereof;

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 24th day of November, 2014.

  
Charolette A. Martinez, CSR  
Notary Public, State of Indiana  
Residence: St. Joseph County  
Commission Expires: 12-18-2022





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7 Defendants. )  
8 )  
9 )

10 DENNIS E. CHAPMAN  
11 I hereby acknowledge that I have read the foregoing  
12 deposition transcript regarding the case of Canen Vs.  
13 Daggy, taken on November 18, 2014, and that the same is a  
14 true and correct transcription of the answers given by me  
15 to the questions propounded, except for the additions or  
16 changes, if any, as noted on the attached errata sheet.  
17  
18

19 \_\_\_\_\_  
20 DENNIS E. CHAPMAN  
21 Subscribed and sworn to me  
22 this \_\_\_\_\_ day of \_\_\_\_\_,  
23 2014, A.D.

24 Notary Public or Witness \_\_\_\_\_  
25 State of \_\_\_\_\_  
County of \_\_\_\_\_  
My commission expires: \_\_\_\_\_